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August 9, 2007

A. Scott McDaniel
McDaniel Hixon Longwell & Acord, PLLC
320 S. Boston Ave., Suite 700
Tulsa, OK 74103

Via U.S. Mail & E-Mail

RE: Oklahoma Poultry Litigation

Dear Scott:

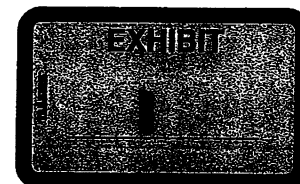
We are in receipt of your July 20, 2007, letter regarding communications by counsel for the State with Mr. Kerry Kinyon. We are well aware of our obligations under the ethical rules, and we fully complied with them.

Although we do not believe we are under obligation to provide it to you, here, without waiver of any privileges or protections, is the information you seek with respect to the communications by counsel for the State with Mr. Kinyon:

Counsel for the State have had both written and telephonic communications with Mr. Kinyon. In connection with these communications we have consulted on multiple occasions with several different independent ethics counsel to ensure that our conduct comported with the highest ethical standards.

Mr. Kinyon first initiated communication with counsel for the State on February 19, 2007, by e-mail. Several written exchanges followed. Copies of written exchanges between counsel for the State and Mr. Kinyon are attached to this letter as Exhibits 1 through 6.

In addition, Mr. Kinyon has spoken by telephone with Donald M. Bingham, an attorney employed by Riggs, Abney, Neal, Turpen, Orbison & Lewis, P.C., on more than one occasion. In these telephone conversations, Mr. Bingham inquired of Mr. Kinyon whether he (Mr. Kinyon) was represented by counsel, if so, the name and telephone number of his counsel, whether Mr. Kinyon would be willing to meet in person to discuss Peterson Farms, whether Mr. Kinyon was assisting counsel for Peterson Farms in the Lawsuit or in any other litigation, and whether Mr. Kinyon was subject to any confidentiality agreement relating to Peterson Farms. Mr. Kinyon responded in the negative to each of these inquiries, except to indicate his willingness to meet with Mr. Bingham and discuss Peterson Farms. Mr. Kinyon stated to Mr. Bingham that he (Mr.



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Kinyon) was not represented by an attorney but intended to contact a lawyer prior to deciding whether to discuss Peterson Farms with Mr. Bingham. In a subsequent telephone conversation, Mr. Kinyon stated that he had changed his mind and that he would not attempt to retain counsel but would be willing to discuss Peterson Farms with Mr. Bingham. In so doing, Mr. Kinyon expressed to Mr. Bingham a desire not to be identified as an individual having communication with counsel for the State, and when Mr. Bingham advised Mr. Kinyon that his (Mr. Kinyon's) identity would be disclosed in the course of discovery in the Lawsuit and that Mr. Kinyon would be deposed in the Lawsuit, Mr. Kinyon stated that he wanted to reconsider his willingness to discuss Peterson Farms with Mr. Bingham. Mr. Bingham made no attempt to dissuade Mr. Kinyon from reconsidering that decision, and they have not conversed with each other following their final telephone conversation, which took place in late May of 2007. During their final or next-to-last telephone conversation, Mr. Bingham informed Mr. Kinyon that Peterson Farms had submitted to Plaintiffs a discovery request that would require the disclosure of the communications between Mr. Kinyon and Mr. Bingham. Upon learning this, Mr. Kinyon asked when the Peterson Farms discovery request had been received and when the discovery request would be answered by the State (i.e., on what date Peterson Farms would learn that he had communicated with Mr. Bingham). Mr. Bingham told him in their final telephone conversation that the response to the Peterson Farms discovery request was due on or about May 25, 2007. Mr. Kinyon made no comment concerning the date or the disclosure, except to tell Mr. Bingham again that he wanted to give his decision about talking to Mr. Bingham more thought.

Finally, in either the last or next-to-last telephone conversation with Mr. Bingham, Mr. Kinyon stated that he would send a confidential envelope to counsel for the State, and that the contents of the envelope might cause counsel for the State to follow-up on the information contained in the enclosed material; in the same telephone conversation, Mr. Kinyon stated that if there was follow-up conducted concerning the material enclosed in the confidential envelope, he (Mr. Kinyon) would like to receive fair compensation for the time that he would spend in responding to inquiries and requests that arose during the follow-up. Mr. Kinyon stated that he did not want to receive a large amount of money for his time but did want to receive some compensation if he is called upon to clarify or explain the material provided in the confidential envelope. No such envelope, confidential or otherwise, has been received by Mr. Bingham or, to the best of our knowledge, by any other counsel for the State or by anyone acting on our behalf. No compensation or anything of value has been promised or provided to Mr. Kinyon by Mr. Bingham or, to the best of our knowledge, by any other counsel for the State or by anyone acting on our behalf. Mr. Kinyon did not describe or characterize the contents or information that was to be enclosed in his confidential envelope, and Mr. Bingham did not inquire as to the nature of its contents.

The only substantive comments made by Mr. Kinyon to Mr. Bingham were (a) that he (Mr. Kinyon) was aware of misconduct on the part of Peterson Farms, and (b) that he (Mr. Kinyon) was not sure or did not think that his information about Peterson Farms' misconduct would be relevant to the Lawsuit. Mr. Bingham made no comment in response to these statements, except to tell Mr. Kinyon that he (Mr. Bingham) remained interested in meeting with Mr. Kinyon and discussing Peterson Farms. Mr. Bingham did not inquire further, and no specifics were offered by Mr. Kinyon.

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Mr. Bingham remains uncertain as to the date of his final telephone conversation with Mr. Kinyon, except that he (Mr. Bingham) believes that it occurred on or after May 22, 2007 and prior to May 25, 2007. Mr. Bingham has not met Mr. Kinyon in person.

As the foregoing demonstrates, the contacts between counsel for the State and Mr. Kinyon have fully complied with all ethical requirements. We trust this letter puts to rest the matter raised in your July 20, 2007 letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. David Riggs', with a stylized flourish at the end.

M. David Riggs
FOR THE FIRM

MDR/jds

Attachments